

HCS HB 460 -- CIVIL PROCEEDINGS

SPONSOR: Kolkmeier

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee on Litigation Reform by a vote of 10 to 2.

This bill allows two or more plaintiffs, in any civil action where there is a count alleging a tort, to join in a single action only if each plaintiff could have separately filed an action in that venue, independent of the claims of any other plaintiff. A plaintiff shall be deemed misjoined if he or she cannot establish proper venue independently. If the plaintiff was first injured outside Missouri, two or more defendants may be joined in a single action if the plaintiff can establish proper venue against each defendant individually. If proper venue cannot be established against a defendant individually, that defendant shall be deemed misjoined. If a plaintiff or defendant is deemed misjoined, the plaintiff or defendant shall be severed from the action and the claims shall be transferred to a county in which venue exists. If no venue in Missouri exists, the claims shall be dismissed.

If trial occurs over objections to improperly established venue and the matter is still subject to review, any judgment entered shall be vacated and the claim shall be remained to the trial court for the sole purpose of transferring any claim for which venue does not exist to a county in which venue exists. If no such venue exists, the claim shall be dismissed.

The bill also repeals a provision prohibiting orders of dismissal to divest a court of venue if venue was proper at the time the action commenced, as well as a provision requiring a dismissed defendant to remain a party to the action for venue purposes.

PROPONENTS: Supporters say that this bill will clarify the venue laws in this state and ensure lawsuits are brought in the proper court. Specifically, the bill will reduce costs and increase access to Missouri courts for state residents by reducing the number of cases filed in Missouri courts by plaintiffs with no connection to the state.

Testifying for the bill were Representative Kolkmeier; Johnson & Johnson; Monsanto; The Doctors Company; Rodney Gray; Missouri Trucking Association; Missouri State Medical Association; Kansas City Southern; National Federation of Independent Business; Missouri Petroleum Council -- A Division of The American Petroleum Institute; Washington University; Missouri Retailers Association, Missouri Grocers Association; Associated Industries of Missouri; Missouri Chamber of Commerce; Missouri Railroad Association; Phil

Goldberg, American Tort Reform Association; Missouri Insurance Coalition; Missouri Insurance Coalition; Missouri Insurance Coalition; Kansas City Power & Light; and Missouri Organization Defense Lawyers.

OPPONENTS: Those who oppose the bill say that it will change the venue laws so that more cases are filed in the rural areas of the state and prevent plaintiffs from pooling resources in lawsuits against large companies. The bill will further increase costs for rural counties because of the need for additional courtroom resources, and increase the burden on residents needed to serve as jurors in those counties. In addition, the state may lose revenue due to the reduced number of verdicts that include punitive damages.

Testifying against the bill were Jeff Bauer, Missouri Association of Trial Attorneys and Jack Garvey.